

REMARKS

The present filing is responsive to the Office Action.

Summary of the Response

Claims 1, 17, 19 and 20 have been amended. Claims 7 and 8 have been canceled. Claims 2-6, 14-15 and 21 have been previously canceled. Claims 24-29 have been added. Claims 1, 9-13, 16-20, 22-28 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

Claim Objections

Claim 20 has been amended to correct the informalities noted by the Examiner.

Claim Rejections Under 35 USC 112

Claims 17 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Applicant respectfully disagrees. The written disclosure provides disclosure that the display element can be a liquid crystal display element, plasma display element or cathode ray tube element, as recited in claim 17. Such disclosure would enable the structure claimed, namely at least one of the three types of display elements (i.e., liquid crystal display element, plasma display element and cathode ray tube element). While the recitation of at least one of the three different types of display elements does not preclude more than one type of display elements, the

structural limitation recited in claim 17 is enabled by specific disclosure in the disclosure, namely one of the three different types of display elements disclosed.

The Examiner consistently referred to what the recited limitation "may imply" and "may require". Applicant respectfully submits that for an enablement inquiry under section 112, first paragraph, it is improper for the Examiner to rely on what "may imply" or "may require", but whether the recited structure has been disclosed. In this case, the claim recites at least one of the three types of display elements (e.g., at least a liquid crystal display element), which clearly has been enabled by the written disclosure. The claim does not recite that the recited structure must be three different types of elements (even though a future product having all three types of display elements would nonetheless fall within the scope of the claim, whether or not the disclosure enabled such structure). What "may imply" or "may require" is not relevant to enablement inquiry. Applicant notes that the Examiner did not raise any claim indefiniteness issue under the second paragraph of section 112.

For the same reasons, the recitation of the electronic device "comprising at least one of a portable device, a display monitor and a user input device" recited in claim 19 is enabled.

Regardless of Applicant's objections noted above, in the interest of forwarding to early allowance, applicant amended claims 17 and 19 to rephrase the intended claim recitation. The amended recitations do not preclude coverage of infringing products having more than one type of display elements or more than one type of devices.

Claim Rejections Under 35 USC 102

Claims 1, 7-13, 16-20, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Okahashi (US 6,473,074). This rejection is respectfully traversed.

Applicant amended claim 1 to include all the limitations of previously presented claims 7 and 8. As amended, claim 1 requires the first and second conductive layers are respectively formed on the first and second substrates along with the first and second conductive surfaces on the first and second substrates. Okahashi does not disclose respectfully forming the first and second conductive layers along with (i.e., at the same time with) the first and second conductive surfaces. Okahashi discloses a single structure for its ground conductor element made of a single piece of material. As such, it can at most be formed either on the first detecting member 16 or the second detecting member 22, but not respectfully formed on the first detecting member 16 and the second detecting member 22. In the absence of the recited structure in claim 1 as amended (previously presented claim 8), Okahashi does not anticipate claim 1, and all claims dependent therefrom.

The amendments to claim 1 merely incorporate the limitations of dependent claims 2 and 4. Accordingly, should the Examiner wish to substantively reject claim 1 as amended (previously presented claim 8) based on new grounds, the basis in support thereof must be set forth in the next action, which should not be made final, so as to allow Applicant a fair opportunity to adequately respond to the rejection with further claim amendments.

New claims have been added which include further limitations that further distinguish from Okahashi. New claims 24, 25 and 28 recite the first and second conductive layers are conductively coupled by a third conductive layer of a different material. The one-piece grounding structure disclosed in Okahashi does not correspond to a three layered structure comprising different materials.

New claims 26 and 27 also recite the first and second conductive layers are respectively formed on the first and second substrates along with the first and second conductive surfaces on

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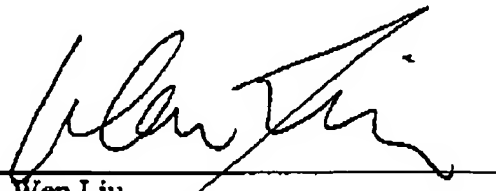
the first and second substrates. New claim 28 uses the alternate language to specifically recite such layers are respectively formed at the same time. As noted above, Okahashi does not anticipate.

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. **The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.**

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 501288 referencing the attorney docket number of this application.

Respectfully submitted,



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